

ESTTA Tracking number: **ESTTA621532**

Filing date: **08/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91203277 |
| Party | Plaintiff 3D International, LLC |
| Correspondence Address | THOMAS COOK THOMAS COOK INTELLECTUAL PROPERTIES 3030 BRIDGEWAY, SUITE 425-430 SAUSALITO, CA 94965 UNITED STATES tom@thomascooklaw.com, thomascooklaw@pacbell.net |
| Submission | Opposition/Response to Motion |
| Filer's Name | Thomas W. Cook |
| Filer's e-mail | tom@thomascooklaw.com, shawn@thomascooklaw.com |
| Signature | /Thomas W. Cook/ |
| Date | 08/14/2014 |
| Attachments | 2014 08 14 3D Response to PBMA Motion to Suspend.pdf(756996 bytes) 2014 08 14 Declaration of Thomas W. Cook1.pdf(620595 bytes) |

Thomas W. Cook, Reg. No. 38,849
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550
Email: tom@thomascooklaw.com
Attorney for 3D International, LLC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial Nos. 85/261,047 & 85/312,684

Mark: AUTOPIA FORUM; AUTOPIAFORUMS

3D INTERNATIONAL, LLC, a
California limited liability company.

Opposer,

V.

PALM BEACH MOTORING
ACCESSORIES, INC.,
a Florida corporation

Applicant.

Opposition Nos. 91203277 (parent)
91203279

**OPPOSER 3D'S RESPONSE TO APPLICANT'S MOTION TO SUSPEND
PROCEEDINGS INCLUDING OPPOSER'S PENDING MOTION TO COMPEL**

3-D International LLC, Opposer in these consolidated cases (“3D”), hereby responds to Applicant, Palm Beach Motoring Accessories, LLC’s (“PBMA”) MOTION TO SUSPEND PROCEEDINGS INCLUDING OPPOSER’S PENDING MOTION TO COMPEL. This response is supported by an accompanying DECLARATION OF THOMAS W. COOK UNDER 37 C.F.R. § 2.20.

FACTUAL BACKGROUND

1. On July 22, 2014, 3D filed a MOTION TO COMPEL RESPONSES requesting the Board order PBMA to provide fuller and adequate responses to 3D's REQUESTS FOR ADMISSIONS, SET THREE.
2. On July 25, 2014, the Board suspended these consolidated proceedings pending disposition of 3D's MOTION TO COMPEL RESPONSES.
3. On August 1, 2014, PBMA filed its MOTION TO SUSPEND PROCEEDINGS INCLUDING OPPOSER'S PENDING MOTION TO COMPEL (the "Motion to Suspend").
4. 3D has not agreed to a suspension in these consolidated cases. See DECLARATION OF THOMAS W. COOK UNDER 37 C.F.R. § 2.20, submitted herewith.¹

ARGUMENT AND CONCLUSION

As the Board has advised in its July 25 suspension, the parties are not to file any paper which is not germane to 3D'S MOTION TO COMPEL RESPONSES. While PBMA's request to suspend these proceedings contained in its Motion to Suspend may be germane to these proceedings if the parties agree to such suspension, PBMA's Motion to Suspend without such consent is not germane to 3D's MOTION TO COMPEL RESPONSES. PBMA's Motion to Suspend should therefore be denied.

Further, PBMA has not in its Motion to Suspend stated why it should not provide the fuller and adequate responses requested by 3D in its MOTION TO COMPEL RESPONSES. The Board may therefore take 3D's MOTION TO COMPEL RESPONSES as conceded.

¹PBMA's Motion to Suspend has apparently been filed as a motion "with consent" when selecting the type of motion using ESTTA. PBMA's Motion to Suspend should not, however, be so characterized without the express consent of Opposer 3D.

Whereupon 3D in these consolidated cases, hereby requests the Board deny PBMA's MOTION TO SUSPEND PROCEEDINGS INCLUDING OPPOSER'S PENDING MOTION TO COMPEL, and order PBMA to provide the fuller and adequate responses requested by 3D in its MOTION TO COMPEL RESPONSES.

Date: August 14, 2014



Thomas W. Cook, Reg. No. 38,849
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550
Email: tom@thomascooklaw.com
Attorney for 3D International, LLC

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this document is today being submitted via electronic filing utilizing the ESTTA (Electronic System for Trademark Trials and Appeals) system on:

Date: August 14, 2014



Shawn Kim

CERTIFICATE OF SERVICE

This is to certify that on this date, a true copy of the foregoing

**OPPOSER 3D'S RESPONSE TO APPLICANT'S MOTION TO SUSPEND
PROCEEDINGS INCLUDING OPPOSER'S PENDING MOTION TO COMPEL**

is being served, by U.S. mail, postage prepaid, in a sealed envelope addressed to the following:

Leo Zucker
Law Office of Leo Zucker
Patent & Trademark Law
P.O. Box 1117
Yorktown Heights, NY 10598

Date: August 14, 2014



Shawn Kim

Thomas W. Cook, Reg. No. 38,849
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550
Email: tom@thomascooklaw.com
Attorney for 3D International, LLC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial Nos. 85/261,047 & 85/312,684

Mark: AUTOPIA FORUM; AUTOPIAFORUMS

3D INTERNATIONAL, LLC, a
California limited liability company.

Opposer,

V.

PALM BEACH MOTORING
ACCESSORIES, INC.,
a Florida corporation

Applicant.

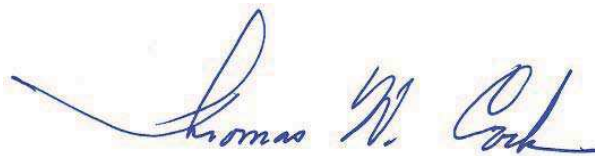
Opposition Nos. 91203277 (parent)
91203279

DECLARATION OF THOMAS W. COOK UNDER 37 C.F.R. § 2.20

In support of the Response of Opposer 3D International LLC (“3D”) to Applicant’s MOTION TO SUSPEND PROCEEDINGS INCLUDING OPPOSER’S PENDING MOTION TO COMPEL, I, Thomas W. Cook, hereby depose and state:

1. I am over 18 years of age, and I have personal knowledge of all matters set forth below.
2. I am an attorney at law, admitted to practice in the Courts of the State of California and before the United States Patent and Trademark Office (Registration No. 38,849). I represent Opposer, 3D International, LLC ("3D") in the present opposition proceedings.
3. I filed 3D's MOTION TO COMPEL RESPONSES on July 22, 2014. Prior to filing that motion, I had requested from Mr. Zucker, attorney for PBMA, additional time in these consolidated cases. My purpose was to accommodate his client PBMA with additional time before the trial period while it attempted to provide fuller and adequate responses to 3D's REQUESTS FOR ADMISSIONS, SET THREE. PBMA would not commit to additional time. This communication is set forth fully in 3D's MOTION TO COMPEL RESPONSES filed July 22, 2014. 3D's Motion to Compel was therefore made necessary by PBMA's lack of cooperation on such additional time.
4. I did not consent, on behalf of my client 3D or otherwise, to suspend these consolidated proceedings prior to a decision on 3D's MOTION TO COMPEL RESPONSES filed July 22, 2014.
5. I further declare that all statements made of my own knowledge are true, and all statements made on information and belief are believed to be true, and that I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the opposed applications or documents or any registrations resulting therefrom.

Date: August 14, 2014

A handwritten signature in blue ink, appearing to read "Thomas W. Cook", is written over a horizontal line.

Thomas W. Cook, Reg. No. 38,849
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550
Email: tom@thomascooklaw.com
Attorney for 3D International, LLC

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this document is today being submitted via electronic filing utilizing the ESTTA (Electronic System for Trademark Trials and Appeals) system on:

Date: August 14, 2014



Shawn Kim

CERTIFICATE OF SERVICE

This is to certify that on this date, a true copy of the foregoing

DECLARATION OF THOMAS W. COOK UNDER 37 C.F.R. § 2.20

is being served, by U.S. mail, postage prepaid, in a sealed envelope addressed to the following:

Leo Zucker
Law Office of Leo Zucker
Patent & Trademark Law
P.O. Box 1117
Yorktown Heights, NY 10598

Date: August 14, 2014



Shawn Kim